



## MAYOR AND COUNCIL REGULAR MEETING NOTICE & AGENDA

### WELCOME!

The City of Tucson has a council-manager form of government. Policies are set by the Mayor and Council, who are elected by the people. Policies are carried out by the City Manager, who is appointed by the Mayor and Council. The Mayor and Council decides what is to be done; the City Manager, operating through the entire city staff, does it.

### REGULAR COUNCIL MEETINGS

The Mayor and Council usually meet  
at 2:00 p.m. on the first and third Mondays of the month, and  
at 7:30 p.m. on the second and fourth Mondays of the month.

Copies of the agenda are available during the meeting. Additionally, the agenda as well as reference documents and proposed ordinances and resolutions are available in the City Clerk's office prior to each meeting.

To better serve everyone in the community, the chambers is wheelchair accessible, an assistive listening system for the hearing impaired is in place and closed captioning is available on cable television. A request for reasonable accommodation for persons with disabilities must be made in the City Clerk's Office by parties at least two (2) working days in advance of the scheduled meeting and can be made by calling 791-4213 or 791-2639 (TDD).

Ordinances and resolutions, the laws of Tucson, are considered during regular meetings. Those adopted with the emergency clause and the affirmative vote of five members of the Council, take effect immediately. Those adopted without the emergency clause take effect thirty days after passage. Unless the Mayor or a member of the Council requests that an ordinance or resolution be read in full, it is read by number and title only. Routine items are scheduled under the heading of Consent Agenda, which allows a number of actions to occur with a single motion.

### PARTICIPATION BY THE PUBLIC

Persons attending the meeting shall observe rules of propriety, decorum, and good conduct, and refrain from impertinent or slanderous remarks. Violation of this rule shall result in such persons being barred from further audience before the governing body. A copy of the complete rules and regulations may be obtained from the City Clerk. Please turn off or put in vibrate mode all communication devices (pagers/cell phones).

The Mayor and Council often schedule public hearings on topics of interest. Pursuant to Mayor and Council Rules and Regulations, public hearings last one hour. Interested persons are invited to attend and offer comments. Additionally, Call to the Audience is reserved for comments from the public.

To address the Mayor and Council:

- Complete a speakers card and deposit it in the tray on the podium. Upon being recognized, state your name and address before proceeding into your subject matter. Speakers are limited to five-minute presentations.
- Submit written comments to the Mayor and Council (via the City Clerk) prior to and during the meeting.
- Call the Mayor and Council Citizen Comment Line at 791-4700.

**Robert E. Walkup**  
Mayor

**Shirley C. Scott**  
Vice Mayor

#### Council Members

**José J. Ibarra**  
Ward 1

**Carol W. West**  
Ward 2

**Kathleen Dunbar**  
Ward 3

**Shirley C. Scott**  
Ward 4

**Steve Leal**  
Ward 5

**Fred Ronstadt**  
Ward 6

Revisions to the agenda can occur up to 24 hours prior to the meeting. Contact the City Clerk at 791-4213 (TTD: 791-2639, FAX: 791-4017 or WEB SITE: <http://www.ci.tucson.az.us/clerks>), 9th floor, City Hall, 255 W. Alameda for up-to-date information Monday thru Friday, 8 a.m. to 5 p.m. [holidays excepted]. Live coverage of meeting is cablecast on Tucson 12 and on Comcast Channel 59 (Mondays only). In addition, replays of the meetings are cablecast on Tucson 12 as follows:

Tuesdays 9:00 p.m.  
Wednesdays 9:00 a.m.  
Sundays 9:00 a.m.

(VHS) tapes of meetings are available at the Tucson Main Library.



# MAYOR & COUNCIL MEETING NOTICE & AGENDA

## REGULAR MEETING

MONDAY, NOVEMBER 17, 2003 – 2:00 P.M.  
MAYOR AND COUNCIL CHAMBERS  
(CITY HALL, 255 WEST ALAMEDA, TUCSON, ARIZONA)

**1. ROLL CALL**

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

INVOCATION – Reverend Gerry Nangle, Johrei Fellowship

PLEDGE OF ALLEGIANCE – Mayor and Council and public in attendance

**PRESENTATION**

- (a) Award of Recognition and Appreciation to Tucson Police Communications Dispatchers and Public Service Officers
- (b) Presentation by the Arizona Fire Chief's Association of a "Lifetime Achievement Award" to Fire Chief Dan Newburn

**3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

- (a) Report from City Manager NOV17-03-594 CITY-WIDE

**4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS**

- (a) Report from City Manager NOV17-03-595 CITY-WIDE

**5. CALL TO THE AUDIENCE:**

At this time, any member of the public is allowed to address the Mayor and City Council on any issue *not listed on today's agenda*. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience".

6. **CONSENT AGENDA ITEMS A THROUGH C**

**FOR COMPLETE DESCRIPTION OF ITEMS**  
**SEE ATTACHED CONSENT AGENDA**

Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired by members of the governing body, that item will be removed from the Consent agenda and will be considered separately.

7. **LIQUOR LICENSE APPLICATIONS**

(a) Report from City Manager NOV17-03-588 CITY-WIDE

(b) LIQUOR LICENSE APPLICATION(S)

New License(s)

(1) BUFFALO WILD WINGS GRILL AND BAR 68 N. Harrison Road Applicant: David D. Pratt City #080-03, located in Ward 2 Series #12 Action must be taken by: November 24, 2003	<u>Staff Recommendation</u>  Police: In Compliance DSD: In Compliance Bus. License: In Compliance
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**PUBLIC OPINION: PROTEST FILED**

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

(c) Special Event(s)

(1) NORTH FOURTH AVENUE MERCHANTS ASSOC. 4 <sup>th</sup> Avenue, between 9 <sup>th</sup> Street & University Blvd. Applicant: Daniel G. Matlick City #T100-03, located in Ward 6 Date of Event: December 12, 2003 December 13, 2003 December 14, 2003 (Fundraising Civic Event)	<u>Staff Recommendation</u>  Police: In Compliance DSD: In Compliance
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| <p>(2) SANTA RITA EXCHANGE CLUB<br/>         4502 N. 1<sup>st</sup> Avenue, Rillito Park<br/>         Applicant: Richard D. Medran<br/>         City #T103-03, located in Ward 3<br/>         Date of Event: November 21, 2003<br/>         (Pre-Thanksgiving celebration &amp; fundraiser)</p> | <p><u>Staff Recommendation</u><br/>         Police: In Compliance<br/>         DSD: In Compliance</p> |
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**8. ZONING: (C9-03-13) ISAACSON – VOYAGER ROAD, RX-1 TO SR AND R-2, CITY MANAGER’S REPORT**

- (a) Report from City Manager NOV17-03-593 W4
- (b) Report from Zoning Examiner dated September 26, 2003
- (c) Request to rezone approximately 64 acres from RX-1 (Suburban Low Density Residential) to SR and R-2 (Very Low Density Residential and Low Density Residential) zoning. Applicant: Michael Marks of MJM Consulting, on behalf of the property owner, Ike Isaacson.

The rezoning site is located on the south side of Voyager Road at the Pantano Road alignment. The preliminary development plan proposed 265 residential units on 39 acres in the R-2 zone, and a private golf course on 25 acres in the SR zone. The overall density is 4.1 units per acre.

The Zoning Examiner recommends approval of SR and R-2 zoning. The City Manager recommends approval of SR and R-2 zoning subject to the following conditions:

- 1. A development plan in substantial compliance with the preliminary development plan dated June 2003, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
- 2. Substantial changes or modifications of land use related rezoning conditions, including the elimination of a land use related rezoning condition, shall require a Mayor and Council public hearing.
- 3. The owner/developer shall construct the south curb, six (6) foot wide sidewalks, and thirty-four (34) feet of pavement along the entire Voyager Road frontage of the site. The curb shall be located based on a 5-lane cross-section. The improvements shall include a 100-year storm capacity reinforced concrete box culvert or pre-cast reinforced concrete pipe culverts.

4. A traffic impact analysis (TIA) is required. The study horizon should include both the opening year of the development and five years after opening. The study area shall include the intersection of Kolb Road with Interstate 10. Necessary improvements identified in the TIA shall be implemented as part of this development.
5. The owner/developer shall dedicate a 50 foot half right-of-way along the Pantano Road frontage of the site and a 45 foot half right-of-way along the Voyager Road frontage of the site.
6. The owner/developer shall construct the west curb, six (6) foot wide sidewalks and 34 feet of pavement along the Pantano Road frontage of the rezoning site. The curb shall be located based on a four-lane divided cross-section. The improvements shall include a 100-year storm capacity reinforced concrete box culvert or pre-cast reinforced concrete pipe culverts.
7. Thirty (30) foot radius spandrels shall be dedicated at the northeast corner of the site.
8. The owner/developer shall stripe five (5) foot wide bike lanes on both sides of the Voyager Road, and Pantano Road, adjacent to the rezoning site, or required by the Tucson Department of Transportation.
9. The site design shall accommodate an access stub-out along the western boundary, to align with the stub-out designed on the development to the west. The stub-out may be deleted if the subject property is developed and is marketed as a retirement community.
10. All residential street cross-sections shall be designed to provide parking on both sides of the street.
11. Six (6) foot wide sidewalks shall be provided on both sides of the street adjacent to wedge curb and five (5) foot wide sidewalks shall be provided on both sides of the street adjacent to a vertical curb.
12. All residential access street cross-sections shall include parking on both sides of the street, and a six (6) foot wide sidewalk on both sides of the street when adjacent to wedge curb. A five (5) foot wide sidewalk on both sides of the street may be substituted when adjacent to a vertical curb.
13. A minimum ten (10) foot wide landscape border is required on Voyager Road and Pantano Road or as approval by the Tucson Department of Transportation. A maximum of five (5) feet of the landscape border may be placed in the right-of-way subject to approval by the Department of Transportation.

14. The residential streetscape landscaping required along residential streets shall include trees located within private residential lots adjacent to residential street rights-of-way at a maximum distance of sixteen (16) feet from back of curb, at an interval of one tree every other lot. A typical detail for street trees on residential access streets shall be provided on the tentative plat/landscape plan.
15. Recreational Site # 1, located adjacent to lot 109 shall include a pool, bathhouse, ramadas, canopy trees, turf area, barbecue pit and outdoor tables.
16. Recreational Site # 2, located adjacent to lot 4, shall include passive and active recreational amenities, including canopy trees, turf exercise area, ramadas, barbecue pit, and outdoor tables.
17. A minimum of 50 percent of the screen walls adjacent to the North Fork Airport Wash Tributaries shall be designed as "view walls." View walls shall be a minimum of 80 percent open and shall be constructed of wrought iron or other similar attractive open fencing material.
18. Any wall along Voyager Road and Pantano Road within the development shall vary the wall alignment (jog, curve, notch, or setback, etc).
19. Any continuous wall greater than 75 feet in length and 3 feet in height visible from the public right-of-way shall vary the wall alignment (jog, curve, notch, or setback, etc.).
20. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. These screen walls shall incorporate one of the following decorative materials: (a) tile, (b) stone, (c) brick, (d) textured brick/block, (e) a coarse-textured material such as stucco or plaster, or (f) a combination of the above materials.
21. Golf cart and pedestrian passages shall be a minimum of 20 feet wide. Passageways adjacent to residential units shall include six foot masonry walls adjacent to property lines from the front face of the adjacent unit to the rear lot line, native canopy trees and ground cover.
22. Two pedestrian and golf cart crossings on Voyager Road shall link the existing Voyager complex and this expansion. The crossings shall be signed for two-way traffic, and include textured and colored pavement. Assurances shall be set aside for future improvements for HAWK crossings. The location of the crossings shall be subject to review by the Department of Transportation.

23. The Grading Plan(s) shall show the limits of grading adjacent to the 100-year floodplain boundaries and around the golf course construction. Prior to grading permit issuance temporary fencing shall be installed along those limits of grading.
24. Native canopy trees of four inch caliper or greater located within grading areas permitted by this plan and located within the 100-year floodplain limits shall be transplanted on-site and identified and labeled on native plant preservation plan as trees for on-site transplanting. Landscape plan shall identify native transplant trees from nursery trees, identified by same label as shown on the native plant preservation plan.
25. As a part of the ERZ Mitigation Plan, the Development Services Department – Engineering Division shall review all golf cart crossings of the sandy bottom wash.
26. The subject development is in a Balanced Basin. A Drainage Report, which addresses detention and 5-year threshold retention, is required. The runoff detention should achieve a post development runoff, which is less than the existing runoff for the 2-year, 10-year and 100-year storms.
27. To create a community amenity, basins shall have natural appearing, undulating, contoured side slopes. Engineered, geometrical, straight-sided basin shapes, sides and bottoms, shall be discouraged unless appropriate and integral to the design of the basin to incorporate recreational uses.
28. Each detention/retention basin shall include a sediment trap, or other sediment control measures as approved by the City Engineer, to prevent sedimentation of the detention/retention basin. Each sediment trap, or other sediment control measure, shall have a provision for total drainage.
29. Each basin shall have a low-flow channel to prevent ponding of nuisance water. The basin floor shall be graded to drain either toward the low-flow channel or the outlet structure.
30. Each detention/retention basin shall function as a visual amenity. Within each basin, vegetation shall be provided for passive recreational facilities. The vegetation palette shall provide plant materials of various colors. Existing significant mature vegetation along the basins perimeter shall be preserved.
31. Vegetation shall be used as screening and/or provide access control for a minimum of ten percent of the basin perimeter.
32. The development shall comply with all requirements of Section 2.8.6 of the Land Use Code.
33. Access control and screening measures shall meet Safe By Design guidelines.

34. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
35. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
36. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
37. Five years are allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.

Zero (0) written approvals and zero (0) written protests have been received.

A simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

**9. ZONING: (C9-02-16) TM HEALTHCARE – GLENN STREET, R-1 TO O-2, ORDINANCE ADOPTION**

- (a) Report from City Manager NOV17-03-596 W2
- (b) Ordinance No. 9912 relating to zoning: amending zoning district boundaries in the area located on the south side of Glenn Street, east of the Alamo Wash in Case C9-02-16, TM Healthcare – Glenn Street, R-1 to O-2; and setting an effective date.

**10. RIO NUEVO: SUBMISSION OF GRANT APPLICATION FOR FEDERAL BROWNFIELDS FUNDS FOR TWO SITE INVESTIGATIONS**

- (a) Report from City Manager NOV17-03-592 CITY-WIDE
- (b) Resolution No. 19719 relating to redevelopment; approving and authorizing submission of a Grant Application to the U.S. Environmental Protection Agency for federal Brownfields funds for the redevelopment of various sites within the Rio Nuevo boundaries; and declaring an emergency.

**11. TUCSON CODE: AMENDING (CHAPTER 28) RELATING TO THE TUCSON PROCUREMENT CODE**

- (1) Report from City Manager NOV17-03-598 CITY-WIDE

Materials for this item can be accessed on the City website and in the City Clerk's office as soon as they become available.

**12. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**

- (a) Report from City Manager NOV17-03-597 CITY-WIDE

**13. CALL TO THE AUDIENCE**

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**14. ADJOURNMENT**

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, November 24, 2003, at 7:30 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.